IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2992 OF 1996

Canara Bank. ... Plaintiff.

V/s.

Abhyudaya Co-op. Bank Ltd. ... Defendant.

Mr. Rajesh Maravoor i/b. Maravoor Wamorkar & Co. for the Plaintiff.
Mr. K.B. Adyanthaya for Defendant 1.

CORAM : DR. D.Y. CHANDRACHUD,J.

3RD JULY 2007.

P.C. :-

. Counsel appearing on behalf of the Plaintiff states that in view of the defence of the First Defendant that a Statutory Notice under Section 164 of the Maharashtra State Co-operative Societies Act, 1960 has not been served prior to the institution of the Suit, the Plaintiff would seek to withdraw the Suit as against the First Defendant with liberty reserved to adopt appropriate proceedings in law after the issuance of a fresh notice. A decree has already been passed

today as against the Second Defendant. No relief has been sought against the Third Defendant who is a formal party.

2. The Suit is accordingly dismissed as withdrawn as against the First Defendant with liberty reserve to the Plaintiff as prayed. The First Defendant would be entitled to the costs of the proceedings.